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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,260	04/02/2004	Peter Fornell	1002-10-01 USP	1780
42698 7590 03/15/2007 FARSHAD JASON FARHADIAN CENTURY IP LAW GROUP P.O. BOX 7333 NEWPORT BEACH, CA 92658-7333			EXAMINER TRUONG, BAO Q	
			ART UNIT 2875	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/817,260	FORNELL, PETER	
	Examiner	Art Unit	
	Bao Q. Truong	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota [US 6,299,322] in view of Roskind et al. [US 2004/0127198 A1].

Regarding claims 1 and 11, Yokota discloses an illumination system for a mobile device having a light sensor [35, 44] for measuring a first intensity of ambient light, a first illumination mechanism [10, 20a] for illuminating a first user interface [key section 2] and a second illumination mechanism [10, 20b] for illuminating a second user interface [display 3], a memory [15] for storing illumination preferences [degrees of lightness] selected by a user, and a power management module [switch circuit 11, control circuit 12, controller 13, power source 16] for adjusting illumination intensity of the first and second illumination mechanisms based on ambient light (abstract, figures 1-5, column 2 lines 23-67, column 3 lines 1-60, column 4 lines 5-61, column 5 lines 1-17). Yokota does not disclose the first and second threshold values from the user or the illumination preferences.

Roskind et al. discloses the first and second threshold values from the user or the illumination preferences [at 330, 340] for adjusting illumination of a mobile device (abstract, figures 2-3, paragraph [0006]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace or to modify the degrees of lightness selected by a user of Yokota with the threshold value(s) from the user or the illumination preferences as clearly taught by Roskind et al. for purpose of providing an advantageous way of comparison for automatically changing an illumination of a mobile device based on environmental condition.

Regarding claims 2-3, Yokota discloses the adjusting inherently including increasing or decreasing illumination intensity by the power management module [11-16] (figures 2-5, column 4 lines 5-30).

Regarding claims 4-5, Yokota discloses the adjusting takes place when the first intensity is less or greater than the threshold value [cause by the sensor 35 and comparing by a controller 13] (figures 2-5).

Regarding claims 6 and 7, Yokota discloses a backlight and LEDs [10] (column 2 line 30).

Regarding claim 8, Yokota discloses keys [2] (figure 1).

Regarding claim 9, Yokota discloses a display screen [3] (figure 1).

Regarding claims 12 and 13, Yokota discloses the power management module [11-16] (column 4 lines 5-30).

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Regarding claim 14, Yokota discloses a phototransistor (column 4 line 15).

Regarding claim 15, Yokota discloses LEDs [10] (figure 2).

Regarding claim 16, Yokota discloses a comparator (figure 5, column 4 lines 20-25) and Roskind et al. discloses the threshold value from the user (abstract, figures 2-3, paragraph 0006).

Regarding claim 17, Yokota discloses a converter [11, 12] for adjust illumination intensity of the LEDs [10] based on signals a comparator (figures 1-6, whole document), and Roskind et al. discloses the threshold value from the user (abstract, figures 2-3, paragraph 0006).

Regarding claim 18, Yokota discloses a power management chip [15] and a microcontroller [13] (figure 5).

Regarding claim 19, Yokota discloses an analog to digital converter (column 4 line 18) inherently for converting signals provided by the light sensor to the microcontroller [13] (see figure 2 of US 2004/0012556).

Regarding claim 20, Yokota discloses an illumination system for a mobile device having illumination mechanisms [10, 20a, 20b] for illuminating two user interfaces [2, 3] in two states ON and OFF, a memory [15] for storing degrees of lightness selected by a user (abstract, figures 1-5, column 2 lines 23-67, column 3 lines 1-60, column 4 lines 5-61, column 5 lines 1-17). Yokota does not disclose the first and second thresholds from the user or the illumination preferences.

Roskind et al. discloses the first and second threshold [at 330, 340] from the user or the illumination preferences [at 330, 340] for comparison and adjusting illumination of a mobile device (abstract, figures 2-3, paragraph [0006]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace or to modify the degrees of lightness selected by a user of Yokota with the threshold value(s) from the user or the illumination preferences as clearly taught by Roskind et al. for purpose of providing an advantageous way of comparison for automatically changing an illumination of a mobile device based on environmental condition.

Response to Arguments

3. Applicant's arguments filed on 1/17/2007 have been fully considered but they are not persuasive.

The applicant recites "Yokota, however, fails to disclose ... according to two different threshold values, as recited in claims 1, 11 and 20" (page 6, mid paragraph). However, the two threshold values are in claims 1 and 20, not in claim 11.

The applicant recites, "Roskind also fails to disclose a system that ...two threshold values, as claimed" (page 7, first paragraph). However, the examiner does not use Roskind to teach the system. Roskind teaches the threshold values, which could be used or modified the "degrees of lightness" as taught by Yokota. Yokota discloses the system as claimed.

The applicant recites, "As disclosed, a photo sensor generates a signal indicating ...user interfaces. Since the method uses implemented software and storage media, ..." (page 7, second paragraph). However, these limitations are not in claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant recites, "No apparent reason exists for combining Yokota, Roskind and Yong, as they describe systems with different purpose and goals, and components". However, Yokota and Roskind disclose a mobile communication device with adjusting light intensity so they have the same field, purpose and goals; and Yong is not yet needed in this rejection.

In view of above, all claims are unpatentable.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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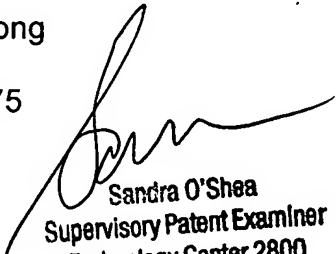
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Truong
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
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